



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
10117 PRINCESS PALM DRIVE SUITE 120  
TAMPA, FLORIDA 33610

REPLY TO  
ATTENTION OF

June 9, 2008

Tampa Regulatory Office  
SAJ-2008-1371 (NW-JPF)

Jim Wilt  
FDOT District One  
VIA E-MAIL jim.wilt1@dot.state.fl.us

Dear Applicant:

Your application for a Department of the Army permit received on April 14, 2008, has been assigned number SAJ-2008-1371 (NW-JPF). A review of the information and drawings provided shows the proposed work is less than 100 square feet of impact to waters of the United States for preliminary geotechnical investigations at the Caloosahatchee Bridge. The proposed project is located along I-75 from north of State Road 80 to north of State Road 78, in Section 3, Township 44 South, Range 25 East, and Sections 21, 22, 27, and 34, Township 43 South, Range 25 East, in Lee County, Florida. This project is referenced by FDOT as FPID 413066.

Your projects, as depicted on the received drawings, are authorized by Nationwide Permit (NWP) Number 6. In addition, project specific conditions have been enclosed. This verification is valid for a period of two years after the date of this letter. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 6. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.
2. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us) or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

3. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work - July 2005" as attached to this letter.
4. The Permittee shall comply with the "Sea Turtle and Smalltooth Sawfish Construction Conditions" as attached to this letter.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact John Fellows by telephone at 813-769-7067.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:  
[http://www.saj.usace.army.mil/permit/forms/customer\\_service.htm](http://www.saj.usace.army.mil/permit/forms/customer_service.htm).

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Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in dark ink, appearing to be 'T. McElwain', written over a horizontal line.

for  
Tunis W. McElwain  
Chief, Fort Myers Section

Enclosures

GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends two years after the date of the verification letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-6

Application Number: SAJ-2008-1371 (NW-JPF)

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

\_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: NW-6

Application Number: SAJ-2008-1371 (NW-JPF)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(TRANSFeree-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Decision Document for Above-Numbered Nationwide Permit Verification

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant:

FDOT District One  
P.O. Box 1249  
Bartow, FL 33831-1249

3. Project description: Less than 100 square feet of impact to waters of the United States for preliminary geotechnical investigations at the Caloosahatchee Bridge. The purpose of the project is to collect geotechnical data in preparation for future widening of I-75. This activity meets the terms and conditions for authorization under Nationwide Permit 6, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The proposed project is located along I-75 from north of State Road 80 to north of State Road 78, in Section 3, Township 44 South, Range 25 East, and Sections 21, 22, 27, and 34, Township 43 South, Range 25 East, in Lee County, Florida.

5. Existing site conditions:

The project area along I-75 includes the open surface waters of the Caloosahatchee River, Popash Creek, and two unnamed tidal creeks. The shorelines and adjacent wetlands abutting the waterbodies are predominantly vegetated with mangroves and Brazilian pepper.

6. Scope of Analysis: The scope of analysis is limited to the less than 100 square feet of waters of the US directly impacted by the project and the immediately adjacent wetlands and uplands.

7. Alternatives: See *Decision Document for Nationwide Permit 6*, which was approved by the Director of Civil Works on 1 March 2007 and *Supplemental Environmental Assessment for*



*Nationwide Permit 6*, which was approved by the South Atlantic Division Commander on 12 July 2007.

9. Evaluation of the potential adverse environmental effects (direct, indirect and cumulative) of the proposed activity: See *Decision Document for Nationwide Permit 6*, which was approved by the Director of Civil Works on 1 March 2007 and *Supplemental Environmental Assessment for Nationwide Permit 6*, which was approved by the South Atlantic Division Commander on 12 July 2007

10. Mitigation required to ensure that the activity being verified by the Corps will have no more than minimal adverse effects on the environment: Based on the submitted information, the majority of the drilling sites are unvegetated open water. It is expected that any areas that have to be cleared will quickly revegetate. Based on the temporary duration and nature of the impacts and degree of existing disturbance of the impact sites, no mitigation is required for these impacts.

11. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

- a. Clean Water Act section 401 water quality certification (WQC): The permittee will obtain the necessary Water Quality Certification from the Southwest Florida Water Management District prior to commencement of the authorized work.
- b. Coastal Zone Management (CZM) consistency certification: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a DEP/WMD permit certifies that the project is consistent with the CZM plan.
- c. Endangered Species Act (ESA) compliance:
  - a. The proposed project will have no affect on sea turtles or smalltooth sawfish based on the information supplied by the applicant and informal coordination between the Corps and the National Marine Fisheries Service (NMFS). The Corps discussed these ESA issues with staff from the NMFS by phone on May 23, 2008, and a record of this conversation is in the project file. This determination is based on the applicant following the standard in-water construction conditions for sea turtles, and smalltooth sawfish for the proposed activity.
  - b. The proposed project may affect but is not likely to adversely affect the West Indian manatee based on the following:
    - i. The proposed project is located in an "Area of Inadequate Protection" for the West Indian manatee; and will have beneficial, insignificant, discountable or no effects to submerged aquatic vegetation, emergent vegetation, mangrove or designated critical habitat.
    - ii. Since the proposal by the applicant is for in-water construction, potential impacts to the endangered West Indian manatee were evaluated using The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, July 2005, version 1.1, dated August 28, 2006, (Key). Use of the Manatee key resulted in the following sequential determination: A> B> C > D; "may affect" the West Indian manatee or its critical habitat. The Corps informally

coordinated this result along with a request for concurrence with a determination of 'may affect, not likely to adversely affect' in a May 9, 2008, electronic message to the U.S. Fish and Wildlife Service. This determination is based on the applicant following the standard manatee construction precautions for the proposed activity. The U.S. Fish and Wildlife Service replied via electronic message on May 9, 2008, with concurrence.

d. National Historic Preservation Act compliance: NHPA concerns will be addressed by placement of a special condition in the verification letter advising permittees: 1) to contact the SHPO prior to initiating any work, 2) how to proceed should unexpected cultural resources be encountered.

e. Other authorizations: N/A

12. Special Conditions: The following measures are being required by the permit authorization, and/or are being assured and provided voluntarily by the permit applicant, to ensure that the activity being authorized by the Corps will have no more than minimal adverse effects on the environment:

A. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

B. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us) or by telephone at 850-245-6440.

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If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

C. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – July 2005" as attached to this letter.

D. The Permittee shall comply with the "Sea Turtle and Smalltooth Sawfish Construction Conditions" as attached to this letter.

13. Public interest review: See *Decision Document for Nationwide Permit 6*, which was approved by the Director of Civil Works on 1 March 2007 and *Supplemental Environmental Assessment for Nationwide Permit 6*, which was approved by the South Atlantic Division Commander on 12 July 2007.

14. Finding of No Significant Impact. See *Decision Document for Nationwide Permit 6*, which was approved by the Director of Civil Works on 1 March 2007.

15. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

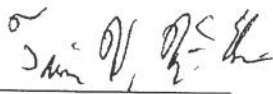
PREPARED BY:

REVIEWED BY:



Project Manager

Date: 23-May-08



Reviewer

Date: 6/9/08